

IC 15-2.1-18

Chapter 18. Miscellaneous

IC 15-2.1-18-1 Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-18-2**Repealed**

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-18-3**Repealed**

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-18-4**Repealed**

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-18-5**Biological products; restrictions**

Sec. 5. A person may not use, offer for sale or exchange, or give any substance for the prevention or treatment of any contagious or infectious disease that contains living germs in a virulent or attenuated state and that may at any time cause an outbreak of any contagious or infectious disease without first submitting a notice to the state veterinarian describing the substance to be used, sold, given away, or otherwise distributed. The state veterinarian may require that a sample of the preparation be submitted to the state veterinarian for examination. The state veterinarian may forbid the use of any preparation that in the state veterinarian's judgment jeopardizes the health of domestic animals, or causes the masking of a diagnosis of a contagious or infectious disease.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.49; P.L.124-2001, SEC.135.

IC 15-2.1-18-6**Biological products; manufacturers**

Sec. 6. A person may not manufacture, sell, offer for sale, or otherwise distribute within Indiana, any biological products for use upon animals unless such biological products are produced at establishments licensed by the United States department of agriculture as provided in 21 U.S.C. 151 through 21 U.S.C. 158 and acts amendatory thereof, or at establishments in Indiana approved by and issued permits by the board. All expenses relative to the required tests for such biologics shall be at the expense of the permittee.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.136.

IC 15-2.1-18-7**Biological products; location of producer**

Sec. 7. Biological Products—Location of Producer. No serum, virus, vaccine or other remedy shall be produced at any establishment that is within four thousand (4,000) feet from any public stockyard where a public livestock market is maintained, or within the same distance from any garbage disposal or rendering plant to which garbage or dead animals are hauled over a public street or highway.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-18-8

Biological products; approved vaccine

Sec. 8. Only vaccine produced at establishments licensed under the Federal Virus-Serum-Toxin Act (21 U.S.C. 151 through 21 U.S.C. 158) or at establishments in Indiana approved by the board may be administered to animals in Indiana. The serial number and the date of expiration of the vaccine shall be affixed to the vaccine container.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.44; P.L.124-2001, SEC.137.

IC 15-2.1-18-9

Animal owners and caretakers; duties

Sec. 9. Owners and caretakers of animals and agents of owners and caretakers shall render any reasonable assistance as may be required to enable the state veterinarian, the state veterinarian's authorized agent, or an agent of the United States Department of Agriculture to perform the person's duty.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.138.

IC 15-2.1-18-10

Duty to report dangerous or diseased animals

Sec. 10. The owner of an animal affected with a dangerous or contagious disease shall report to the state veterinarian the existence of the disease within forty-eight (48) hours after knowing it to exist. Any other person knowing or having reason to suspect a dangerous, contagious or infectious disease to exist among animals shall report the same to the state veterinarian or local health officer not more than forty-eight (48) hours after discovering the condition exists. A local health officer that receives a report from a person under this section shall report it within twenty-four (24) hours to the state veterinarian.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.139.

IC 15-2.1-18-11

Inspection of suspected dangerous or diseased animals

Sec. 11. The state veterinarian or the state veterinarian's agent shall make an examination of animals and objects suspected to be dangerous or diseased and shall enforce the laws, rules, and orders relating thereto.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.93-2005, SEC.20.

IC 15-2.1-18-12

Authority given USDA

Sec. 12. The agents of the United States department of agriculture shall have the right of inspection, testing, quarantine, and condemnation of animals and objects within this state affected with any disease or pest of animals, suspected to be so affected, or that may have been exposed to any such disease or pest of animals. For such purposes, they may enter upon any ground or premises and may call upon the sheriffs, constables, and other peace officers to assist them in the discharge of their duties. Such sheriffs, constables, or peace officers shall assist such inspectors when so requested, and such inspectors shall have the same power and protection as peace officers, when engaged in the discharge of their duties. However, this state shall not be liable for any damages or expenses caused or made by such inspectors.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.93-2005, SEC.21.

IC 15-2.1-18-13

Proclamation against importation or intrastate movement of diseased animals or objects

Sec. 13. Whenever the governor has good reason to believe that any disease or pest of animals has been discovered and that the importation of animals or objects from another state, or the movement of animals or objects within Indiana, would be injurious to the health of the citizens or the animals of this state, the governor may, on the recommendation of the board, by proclamation prohibit the entry into or other movement within Indiana of animals and objects, or stipulate the conditions under which animals and objects may enter or move within Indiana.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.13-1999, SEC.1; P.L.93-2005, SEC.22.

IC 15-2.1-18-14

Indemnification

Sec. 14. (a) Except as provided in subsection (b), the owner of any animal or object condemned by the board shall be indemnified in accordance with this article and regulations governing the payment of indemnity by the state or by the state in cooperation with the federal government. The length of time in which any condemned animals have been in the state shall in no way be controlling with respect to the payment of indemnity. The board or the board's agent shall determine indemnity amounts based on appraisals or other determinations of value made in accordance with:

- (1) rules and policies adopted by the board; or
 - (2) laws and policies of the federal government;
- that govern indemnity payments.

(b) The board is not required to indemnify objects that are adulterated, misbranded, or condemned under IC 15-2.1-23, IC 15-2.1-24, or IC 16-42.

(c) The board may pay the cost of transporting, testing, treating, euthanizing, destroying, and disposing of infected, exposed, or suspect animals and objects.

(d) The board may pay the cost of cleaning and disinfecting for purposes allowed under this article.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.140; P.L.93-2005, SEC.23.

IC 15-2.1-18-15

Indemnity exceptions

Sec. 15. (a) Except as provided in subsection (b), an indemnity payment shall not be made for the following:

- (1) Animals or objects belonging to the United States.
- (2) Animals or objects belonging to this state.
- (3) Animals or objects brought into the state or moved in violation of this article, the rules of the board, or an agreement for the control of diseases or pests.
- (4) Animals which were previously affected by any other disease or pest, which, from its nature and development, was incurable and necessarily fatal.
- (5) Animals or objects affected with disease or pest of animals that the owner purchased, knowing that the animals or objects were infected with or exposed to a disease or pest of animals, including animals or objects purchased from a place where a contagious disease or pest of animals was known to exist.
- (6) Any animal or object that the owner or the owner's agent intentionally infects with or exposes to a disease or pest of animals.
- (7) Any animal or object for which the owner received indemnity or reimbursement from any other source.

(b) The board may pay indemnity for animals or objects described in subsection (a)(3) through (a)(5) if the board finds that payment of indemnity is necessary to accomplish the purposes of this article.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.45; P.L.1-1992, SEC.92; P.L.93-2005, SEC.24.

IC 15-2.1-18-16

Condemnation

Sec. 16. The board or its agent may condemn and control the disposition of of any animal or object infected with or exposed to, or suspected to be infected with or exposed to, foot and mouth disease, glanders, or other diseases or pests of animals that, in the opinion of the board, are a health hazard to the livestock industry, other animals, or the citizens of the state. Objects infected with, exposed to, or suspected to be infected with or exposed to such diseases or pests of animals may be condemned and shall be destroyed or disposed of in such a manner as the board may direct.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.141; P.L.93-2005, SEC.25.

IC 15-2.1-18-16.5

Purchasing animal for disease study

Sec. 16.5. The board may purchase an animal or object for the purpose of preventing, detecting, controlling, and eradicating diseases and pests of animals.

As added by P.L.124-2001, SEC.142. Amended by P.L.93-2005, SEC.26.

IC 15-2.1-18-17

Forms

Sec. 17. Forms. The board shall prescribe and furnish upon request all forms to be used in conjunction with applications and reports required under this article.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-18-18

Receipts; report; deposit

Sec. 18. All money received by the state veterinarian under this chapter shall be reported to the auditor of state at the end of each month or at such other time as may be prescribed by law, and at the same time the state veterinarian shall deposit the entire amount of the receipts with the treasurer of state for deposit in the state general fund.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.143.

IC 15-2.1-18-19

State poultry association

Sec. 19. Indiana State Poultry Association. The Indiana state poultry association is designated as the official state agency to cooperate with the United States Department of Agriculture and the board in administering the national poultry improvement plan.

As added by Acts 1977, P.L.166, SEC.46.

IC 15-2.1-18-20

Feeding garbage to swine

Sec. 20. No person shall feed or permit the feeding of garbage to swine, except for rendered products.

As added by P.L.165-1985, SEC.9.

IC 15-2.1-18-21

Emergency rules and orders concerning diseases and pests of animals and objects

Sec. 21. If the board determines that a disease or pest of animals presents a health hazard to the citizens or animals of the state, the following action may be taken:

- (1) The board may adopt emergency rules under IC 4-22-2-37.1

that facilitate the prevention, detection, control, and eradication of the disease or pest of animals, including the following:

- (A) Prohibit or impose conditions on importing animals and objects into the state.
 - (B) Require testing of animals and objects.
 - (C) Require vaccination or other treatment of animals and objects.
 - (D) Prohibit or impose conditions on moving animals and objects within the state.
 - (E) Govern the disposition of animals and objects.
 - (F) Impose other measures governing animals and objects to protect the citizens and animals of the state from diseases and pests of animals.
- (2) The state veterinarian may issue emergency orders under IC 4-21.5-4 governing animals and objects in order to protect the citizens and animals of the state from diseases and pests of animals.

As added by P.L.13-1999, SEC.2. Amended by P.L.93-2005, SEC.27.

IC 15-2.1-18-22

Disposal of dead animals

Sec. 22. If the board determines that a disease or pest of animals has or is imminently likely to result in a large number of dead animals, the board may facilitate the prompt disposal of the dead animals by adopting an emergency rule under IC 4-22-2-37.1 that amends or suspends:

- (1) IC 15-2.1-16; and
- (2) any rule adopted by the board that governs the disposal of dead animals.

As added by P.L.13-1999, SEC.3. Amended by P.L.93-2005, SEC.28.

IC 15-2.1-18-23

Use of funds for disease hazards

Sec. 23. If the board determines that a disease or pest of animals presents a hazard to the citizens or animals of the state, the board may:

- (1) use funds appropriated to the board by the general assembly for indemnity or any other purpose; and
- (2) submit to the budget agency a request for additional funds under IC 4-12-1-15 or any other prescribed procedure and use any funds received;

for the purpose of addressing the hazard.

As added by P.L.13-1999, SEC.4. Amended by P.L.93-2005, SEC.29.